

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

REALTIME DATA LLC d/b/a IXO,

Plaintiff,

v.

ACTIAN CORPORATION et al.,

Defendants.

Case No. 6:15-cv-463-RWS-JDL

LEAD CASE

JURY TRIAL DEMANDED

NOTICE REGARDING CERTAIN MOTIONS TO DISMISS

COMES NOW Plaintiff, Realtime Data LLC (“Plaintiff”), and files this Notice regarding certain Motions to Dismiss filed by SAP America Inc., Sybase, Inc., Hewlett-Packard Company, HP Enterprise Services, LLC, Dell Inc., BMC Software, Inc., Echostar Corporations, Hughes Network Systems, LLC, Dropbox, Inc., Riverbed Technology, Inc., Actian Corporation and Pervasive Software Inc. (“Defendants”) and notifies the Court of the following:

Plaintiff filed initial Complaints on May 8, 2015 (Dkt. No. 1 in Civil Actions 6:15-cv-463-6:15-cv-470), and an Amended Complaint on June 2, 2015 against SAP America Inc., Sybase, Inc., Hewlett-Packard Company, HP Enterprise Services, LLC and Dell Inc. (Dkt. No. 16 in Civil Action 6:15-cv-469). Defendants then filed the following “Motions to Dismiss”:

1. SAP America Inc., Sybase, Inc., Hewlett-Packard Company, HP Enterprise Services, LLC, Dell Inc., BMC Software, Inc., Echostar Corporations, and Hughes Network Systems, LLC Motion to Dismiss First Amended Complaint (Dkt. 23), later joined by Dropbox, Inc. (Dkt. 26) and Riverbed Technology, Inc. (Dkt. 38); and
2. Actian Corporation and Pervasive Software Inc.’s Motion to Dismiss Complaint (Dkt. 31).

Plaintiff filed Amended Complaints on September 14, 2015 (6:15-cv-463: Dkt. Nos. 100-

107). In light of Plaintiff's recently filed Amended Complaints, the Parties agree that the above-mentioned Motions to Dismiss are now moot, and file this Notice to alert the Court that no further briefs will be filed in support of, or in response to, the Motions to Dismiss. Defendants intend to move to dismiss or otherwise respond to the recently filed Amended Complaints on October 1, 2015.

Respectfully Submitted,

By: /s/ Marc A. Fenster by permission Claire
Abernathy Henry

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email on this the 28th day of September, 2015.

/s/ Claire Abernathy Henry